

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

----- :  
MIGUEL A. RODRIGUEZ, on behalf :  
of himself and all others :  
similarly situated :  
v. : Civil Action  
EQUIFAX INFORMATION SERVICES, LLC : No. 1:14CV1142  
----- : March 12, 2015

COMPLETE TRANSCRIPT OF HEARING  
BEFORE THE HONORABLE THOMAS RAWLES JONES, JR.  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

Leonard Anthony Bennett, Esquire  
Consumer Litigation Associates  
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Newport News, Virginia 23601

Counsel for the Plaintiff

John Willard Montgomery, Jr., Esquire  
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Counsel for the Defendant

DIANE J. DAFFRON, RPR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT

1 except the actual names and sensitive personal  
2 information about these consumers.

3 THE COURT: If Equifax is not willing to  
4 stipulate ascertainability, then Equifax is going to  
5 have to produce for a two-month period to be picked by  
6 Mr. Bennett the reports and all of the relevant 1681k  
7 information for that same two months so he can go put  
8 the numbers together himself.

9 MR. McENTYRE: Your Honor, at this point  
10 since we haven't seen the new class definition, which  
11 apparently has changed radically from the one in the  
12 complaint, I can't tell you that we can stipulate to  
13 ascertainability.

14 THE COURT: I'm not saying you should. I'm  
15 saying the alternative is to give him two months worth  
16 of data.

17 MR. McENTYRE: I think we ought to be able to  
18 review the class definition, Your Honor. Once we see  
19 what the new class definition is, class definitions  
20 are, we can assess whether Equifax is willing to  
21 stipulate to ascertainability.

22 Again, given that we have told Mr. Bennett  
23 the information exists, his argument when he moved for  
24 class certification --

25 THE COURT: That takes us around to something